

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55653 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- SUPPI District- Sitamarhi

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Bikas Kumar Son Of Binod Raut @ Vinod Ray R/O Village- Manik Chawk
Pachami, P.S.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. M. K. Nirala, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Hans Lal Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Suppi P.S. Case No. 116 of 2022, registered for
the offences punishable under Sections 399, 402 of the Indian
Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

Allegedly, the police on secret information with
regard to the assemblage of miscreants, raided the place of
occurrence and apprehended six accused persons. In course of
search three live cartridges have been recovered from the
possession of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR, it would be evident that only the cartridges is alleged to have been recovered from the possession of the petitioner, which appears to be absurd as without any arms the cartridges are of no purpose. He further submits that in fact nothing has been recovered from the possession of the petitioner, however, only on account of two past criminal antecedent his name has been implicated in this case. He next submits that there are other infirmities in the preparation of seizure list, apart from the fact that the petitioner is in custody since 28.04.2022 and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the cartridges have been recovered from the conscious possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the nature of recovery coupled with the period of custody and the fact that the investigation is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Suppi P.S. Case No. 116 of 2022, subject to the condition that



one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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